THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :21848 of 2007

DATED:12-10-2007

BETWEEN:

Kothuri Veeranna Naidu.

..... PETITIONER

AND

The Revenue Divisional Officer,
Rajahmundry,
East Godavari District & another.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 2nd respondent in not waiting for the orders in Appeal filed by the petitioner before the 1st respondent, dated 03-10-2007, and trying to take possession of the land to an extent of Ac.0.28 cents in Sy.No.66-2A; Ac.0.27 cents in Sy.No.100-2; Ac.0.17 cents in Sy.No.61-3A; Ac.0.18 cents in Sy.No.61-3A; and Ac.0.18 cents in Sy.No.61-3A respectively situated at Pinapalla village, Alamuru mandal, East Godavari District, as illegal and arbitrary.

3. It is the case of the petitioner that against the resumption order passed by the 2nd respondent-Tahsildar, Alamuru mandal resuming the land of an extent of
Ac.0.18 cents in Sy.No.61-3A of Pinamalla village, Alamuru mandal, East Godavari District vide his letter in Ref.B.29/07, dated

04-09-2007, he filed an appeal before the 1st respondent-Revenue Divisional Officer, Rajahmundry on
03-10-2007 along with a stay application.

4. It is stated that for the show cause notice petitioner filed an explanation, dated 20-10-2007, after passing the resumption order, and he has also filed an appeal before the 1st respondent. A perusal of the grounds of appeal goes to show that the resumption order is lack of weight of evidence and principles of natural justice, and the said order is against the provisions of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977.

5. A perusal of the resumption order goes to show that it pertains to Ac.0.18 cents in Sy.No.61-3A of Pinamalla village alone and there is no mention anything about the other members mentioned in the memorandum of the Writ Petition. It is further stated that the petitioner has not taken the said land on lease from the assignee but the said land belongs to the devotees of Sri Seetharama Laxmana Anjaneya Swamy Temple who have voluntarily donated the said land to utilize the income for the temple and the land is under the management of the temple, and the temple alone permitted the petitioner to raise the crops.

6. I am of the opinion that the prayer in the Writ Petition is misconceived and merely because a resumption order has been passed in respect of A.0.18 cents only it is not known how the petitioner is entitled for a relief not to dispossess him from the other lands. However, a perusal of the resumption order goes to show that though show cause notice has been served, admittedly petitioner has not submitted any explanation as on the date of passing the resumption order. The resumption order goes to show that the said land was under the illegal custody of the petitioner and therefore it was directed to be restored in favour of the original assignee. The original assignee has no grievance and the temple also has no grievance and therefore Writ Petition is misconceived and without any merits.

7. Accordingly, Writ Petition is dismissed with costs.

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V.ESWARAIAH,J

12th October, 2007.

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